

Date: October 26, 2005 I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Kim Blum  
Name (Print)

Kim Blum  
Signature



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Application of:	Chano et al.	)	Examiner:	Unassigned
Application No.:	10/516,558	)	Group Art Unit:	Unassigned
Filed:	November 30, 2004	)	Confirmation No.:	2830
Docket No.:	3190-070	)	Customer No.:	33432

For: RB1 GENE INDUCED PROTEIN (RB1CC1) AND GENE

### RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 26, 2005

Dear Sir:

In response to the Notification of Defective Response dated October 19, 2005, the applicants respond as follows.

In the Notification of Defective Response, the U.S. Patent and Trademark Office alleged that the copy of the Sequence Listing in computer-readable form has not been submitted as requested in the Notification of Missing Requirements mailed July 11, 2005. In response, the undersigned and applicants respectfully disagree. First, a response to the Notification of Missing Requirements was provided on July 28, 2005. In this response, it was indicated that a copy of the "Sequence Listing" in computer-readable form was previously submitted on January 25, 2005, via Express Mail service, as evidenced by the enclosed copy of applicant's date-stamped postcard. A copy of the previous response is again enclosed.

Due to this evidence, the applicants have timely responded to the Notification of Missing Requirements. It would appear, based on the U.S. Patent and Trademark Office's request for a computer-readable form of the "Sequence Listing," that the U.S. Patent and Trademark Office has lost the previous computer-readable form submitted January 25, 2005, as evidenced by the enclosed

U.S. Patent Application No. 10/516,558  
Response to Notification of Defective Response dated October 26, 2005  
Reply to Notification of Defective Response dated October 19, 2005

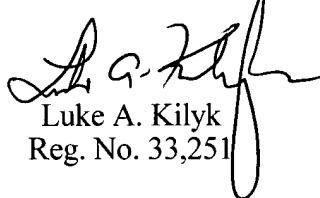
copy of the U.S. Patent and Trademark Office date-stamped postcard. Thus, there was no defective response on the part of the applicants. Thus, the U.S. Patent and Trademark Office records are incorrect with respect to this point.

To assist the U.S. Patent and Trademark Office, a second computer-readable form of the "Sequence Listing" is submitted for the benefit of the U.S. Patent and Trademark Office. It is respectfully noted that all records at the U.S. Patent and Trademark Office should reflect the timely submission of the "Sequence Listing" in computer-readable form on January 25, 2005, as evidenced by the attached copy of the U.S. Patent and Trademark Office date-stamped postcard. The applicants reserve the right to seek correction in this matter should the U.S. Patent and Trademark Office not correct their records on this point.

The U.S. Patent and Trademark Office is encouraged to contact the undersigned should there be any remaining questions with respect to this matter.

In the event that any fees are due with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,



Luke A. Kilyk  
Reg. No. 33,251

Docket No.: 3190-070  
KILYK & BOWERSOX, P.L.L.C.  
400 Holiday Court, Suite 102  
Warrenton, VA 20186  
Tel.: (540) 428-1701  
Fax: (540) 428-1720



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,558	Tokuhiro Chano	3190-070

INTERNATIONAL APPLICATION NO.

PCT/JP03/00882

I.A. FILING DATE	PRIORITY DATE
	01/30/2003

CONFIRMATION NO. 2830  
 371 FORMALITIES LETTER



\*OC000000017276242\*

Kilyk & Bowersox  
 53 A East Lee Street  
 Warrenton, VA 20186

R E C E I V E D  
 OCT 23 2005  
 KILYK & BOWERSOX, PLLC.

Date Mailed: 10/19/2005

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Copy of the International Application filed on 11/30/2004
- English Translation of the IA filed on 01/25/2005
- Copy of the International Search Report filed on 11/30/2004
- Copy of IPE Report filed on 11/30/2004
- Preliminary Amendments filed on 01/25/2005
- Information Disclosure Statements filed on 01/25/2005
- Oath or Declaration filed on 01/25/2005
- Biochemical Sequence Listing filed on 11/30/2004
- U.S. Basic National Fees filed on 11/30/2004
- Priority Documents filed on 11/30/2004

### Docketed

Due Date 11/19/05

Dkt No 3190 - 070

By gmb

Applicant's response filed 01/25/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/11/2005 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under**

37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,558	PCT/JP03/00882	3190-070

FORM PCT/DO/EO/916 (371 Formalities Notice)

**R E C E I V E D**  
FEB 09 2005

KILYK & BOWERSOX, P.L.L.C.

**DT07 Rec'd PCT/PTO 25 JAN 2005**

U.S. Patent Application No. 10/516,558

Docket No. 3190-070

Filed: November 30, 2004

Applicant: CHANO et al.

Entitled: RB1 GENE INDUCED PROTEIN (RB1CC1) AND GENE

**Papers filed herewith on: January 25, 2005**

Transmittal Letter Concerning Filing Under 35 U.S.C. 371; English translation of the International Application; Preliminary Amendment (9 pages), Statement under 3 C.F.R. § 1.821, Computer-readable diskette; Executed Declaration; Information Disclosure Statement; Form PTO-1449, 4 documents, and Credit Card Payment Form.

**Express Mail Label: EV567259572US  
COMMISSIONER FOR PATENTS**

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case

LAK/khb

**DOCKETED**

**DUE DATE**       

**DKT NO.** 3190-070

**BY** JmS

Date: July 28, 2005 I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by "First Class Mail" service.

Donald S. Prater

Name (Print)

Donald S. Prater

Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Chano et al.	)	Examiner:	Unassigned
		)		
Application No.:	10/516,558	)	Group Art Unit:	Unassigned
		)		
Filed:	November 30, 2004	)	Confirmation No.:	Unassigned
		)		
Docket No.:	3190-070	)	Customer No.:	33432

For: RB1 GENE INDUCED PROTEIN (RB1CC1) AND GENE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 28, 2005

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office dated July 11, 2005, it is respectfully submitted that the English translation of the application, the declaration of the inventors, and a copy of the "sequence listing" in computer readable form was previously submitted on January 25, 2005, via Express mail service, as evidenced by the enclosed copy of applicant's PTO date-stamped post card. A copy of the previous response (except a copy of the diskette) is also enclosed. January 25, 2005 is the date that should be reflected in the file for satisfying all requirements under 35 U.S.C. § 371.

In the event that any fees are due with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,

Luke A. Kilyk  
Luke A. Kilyk  
Reg. No. 33,251

Docket No.: 3190-070  
KIL YK & BOWERSOX, P.L.L.C.  
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,558	Tokuhiro Chano	3190-070

Kilyk & Bowersox  
 53 A East Lee Street  
 Warrenton, VA 20186

R E C E I V E D  
 JUL 13 2005  
 KILYK & BOWERSOX, P.L.L.C.

INTERNATIONAL APPLICATION NO.

PCT/JP03/00882

I.A. FILING DATE	PRIORITY DATE
	01/30/2003

CONFIRMATION NO. 2830

371 FORMALITIES LETTER



\*OC000000016489947\*

Date Mailed: 07/11/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/30/2004
- Copy of the International Search Report filed on 11/30/2004
- Copy of IPE Report filed on 11/30/2004
- Biochemical Sequence Listing filed on 11/30/2004
- U.S. Basic National Fees filed on 11/30/2004
- Priority Documents filed on 11/30/2004

Docketed

Due Date 9/11/05 9/30/05

Dkt No 3190 - 070

By JMB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date. 7/30/05
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,558	PCT/JP03/00882	3190-070

FORM PCT/DO/EO/905 (371 Formalities Notice)

R E C E I V E D  
AUG 05 2005

KILYK & BOWERSOX, P.L.L.C.

JC04 Rec'd PCT/PTO 29 JUL 2005

U.S. Patent Application No. 10/516,558

Docket No. 3190-070

Filed: November 30, 2004

Applicant: CHANO et al.

Entitled: RB1 GENE INDUCED PROTEIN (RB1CC1) AND GENE

Papers filed herewith on: July 28, 2005

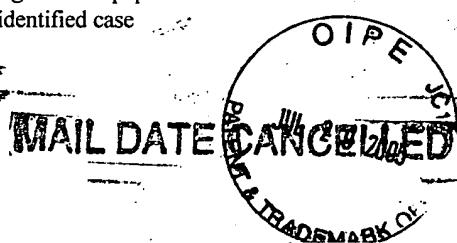
Response to Notification of Missing Requirement, Copy of Notification of Missing Requirements, and Copy of January 25, 2005, filing

First Class Mail

COMMISSIONER FOR PATENTS

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above-identified case

LAK/dsp



Docketed

Due Date \_\_\_\_\_

Dkt No 3190-070

By JMB